

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LAWRENCE YOUNG, on behalf of himself
and all other persons similarly situated,

Plaintiff,

-against-

CROMWELL MANOR INN, L.L.C.,

Defendant.

1:19-cv-8698

ORDER OF
DISMISSAL

USDC SDNY
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DATE FILED: 3/24/2020

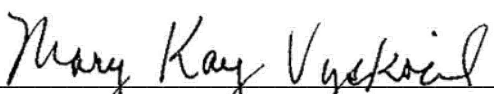
MARY KAY VYSKOCIL, United States District Judge:

The Complaint in this action was filed on September 19, 2019 [ECF 1]. On January 7, 2020, the Court ordered Plaintiff to file proof of service on the Defendant no later than January 14, 2020 [ECF 6]. The Court further ordered Plaintiff that, if Defendant's time to respond to the complaint had expired, Plaintiff was to move for default judgment by February 14, 2020 or risk dismissal of his claims with prejudice. On January 14, 2020, Plaintiff filed a Receipt for Service indicating that Defendant had been served on November 8, 2019 [ECF 7]. Plaintiff took no action to move for default or otherwise prosecute this case. Accordingly, it is hereby:

ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by **April 23, 2020**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Date: March 24, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge